



ENTERED
05/28/2020

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE: STAGE STORES, INC., et al.,¹ Debtor	§ § § § §	CASE NO. 13-33264-H4-11 (Jointly Administered) Chapter 11
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**ORDER GRANTING MOTION OF GCCLE-SHADOW CREEK, LP
FOR RELIEF FROM THE AUTOMATIC STAY**

[Related to Doc. No. 244]

CAME ON FOR CONSIDERATION the *Emergency Motion for Relief from the Automatic Stay to Perfect Right to Appeal* (the “Motion”) filed by GCCLE-Shadow Creek, LP (“GCCLE”), and the Court, after considering the Motion finds as follows:

1. GCCLE has asserted a need to take certain actions to perfect its right to appeal related to the judgment (the “Judgment”) issued in State Court in Cause No. 2017-76210 (*GCCLE-Shadow Creek, LP vs. Specialty Retailers, Inc.*, In the District Court of Harris County, 151st Judicial District) (the “State Court Lawsuit”).

2. That, by way of these certain actions, GCCLE seeks only to protect its right to appellate review and to supersede the judgment against it.

IT IS THEREFORE ORDERED that the automatic stay provisions of Section 362(d) of the Bankruptcy Code are hereby modified for the limited purpose of allowing GCCLE to take one of more of the following appellate actions (the “Initial Appellate Actions”) in order to protect its right to appellate review and/or to supersede the Judgment against it: (a) post a supersedeas bond and take all steps necessary to supersede enforcement of the judgment and pay

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are Stage Stores, Inc. (6900), and Specialty Retailers, Inc. (1900).

any filing fees required in connection with supersedeas;(b) file a notice of appeal and docketing statement in the court of appeals; (c) pay any filing fees required by the court of appeals; (d) file a suggestion of bankruptcy in the court of appeals; and (e) file a motion for a new trial/judgment notwithstanding the verdict in the trial court and paying any filing fees required; *provided* that any hearing or submission on such motion shall be stayed pursuant to the provisions of the United States Bankruptcy Code and (i) the Debtors shall have no obligation to reply until such motion is no longer stayed pursuant to the provisions of the United States Bankruptcy Code and (ii) any applicable deadlines in the State Court Lawsuit or state appellate court with respect to the Debtors shall be tolled until the stay is lifted pursuant to further order of the Bankruptcy Court or as set forth below.

IT IS FURTHER ORDERED that GCCLE shall provide a copy of this Order to the State Court.

IT IS FURTHER ORDERED that any Initial Appellate Actions taken pursuant to this Order shall not require the Debtors to take any action to preserve their rights with respect to the Judgment during the pendency of the chapter 11 cases or further Bankruptcy Court order.

IT IS FURTHER ORDERED that nothing in this Order shall be construed as prohibiting the Debtors from filing any pleading and/or taking other action to respond to GCCLE's Initial Appellate Actions.

IT IS FURTHER ORDERED that GCCLE taking the Initial Appellate Actions shall be at no cost to the Debtors or to the Debtors' bankruptcy estates except to the extent the Debtors or the Debtors' bankruptcy estates respond to the GCCLE's Initial Appellate Actions.

IT IS FURTHER ORDERED that upon written agreement between the Debtors and GCCLE, the automatic stay provisions of Section 362(d) of the Bankruptcy Code shall be further

modified to allow GCCLE to take any additional appellate actions solely to the extent of its agreement with the Debtors.

IT IS FURTHER ORDERED that this Order is effective immediately upon approval by the Bankruptcy Court and is not subject to the fourteen-day stay provided in Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure.

Signed: May 28, 2020.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

AGREED AS TO FORM AND CONTENT:

By: /s/ Heather R. Potts

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